

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal No. 1:01-CR-00352-02
	:	
v.	:	(Judge Rambo)
	:	
BRADLEY LANORD LOTT	:	(Electronically Filed)

SUPPLEMENT TO PRO SE MOTION FOR
REDUCTION UNDER 18 U.S.C. § 3582(c)

AND NOW comes Bradley Lanord Lott , by his attorney, James V. Wade, of the Federal Public Defenders Office, and files this Supplement to the Pro Se Motion for Reduction Under 18 U.S.C. § 3582(c). In support thereof, it is averred as follows:

1. On November 7, 2001, a Grand Jury sitting in the Middle District of Pennsylvania returned a two count Indictment charging Bradley Lott and a co-defendant with drug trafficking. Specifically the distribution and possession with the intent to distribute cocaine base a/k/a “crack” and conspiracy to distribute and possess with the intent to distribute the same.
2. On May 29, 2002 a Superseding Indictment was filed that added two

additional counts against Bradley Lott's co-defendant.

3. Bradley Lott appeared before this Honorable Court on July 16, 2002 and entered a plea of guilty to Count One of the Superseding Indictment charging conspiracy to distribute and possession with the intent to distribute in excess of 50 grams of cocaine base.

4. The Court ordered the preparation of a presentence report.

5. The 2002 edition of the United States Sentencing Guidelines Manual was used to calculate Bradley Lott's sentencing guideline range.

6. The presentence report provides that Bradley Lott was accountable for between 159.7 grams of cocaine base.

7. The presentence report listed the base offense level as 34 because his case involved at least 150 grams but not more than 500 grams of cocaine base. There were no additions to the offense level and no reductions to the offense level. Thus Bradley Lott's total offense level remained 34.

8. Bradley Lott was assigned a criminal history category of I.
9. Bradley Lott's original sentencing guideline range was 151 - 188 months.
10. The court adopted the findings of the presentence report.
11. On April 8, 2003, this Honorable Court sentenced Bradley Lott to a 151 month term of imprisonment.
12. Bradley Lott is serving this sentence at FCI Bennettsville, in Bennettsville, South Carolina.
13. Bradley Lott's projected release date is July 24, 2012.
14. On November 1, 2007, the United States Sentencing Commission amended the Drug Quantity Table and reduced the offense level for an offense involving at least 150 grams but less than 500 grams of cocaine base by 2 levels to a level 32. (Amendment 706).
15. On December 12, 2007, the United States Sentencing Commission

announced its decision to apply the amendments to the crack guidelines retroactively effective March 3, 2008 and listed Amendment 706 in the new U.S.S.G. § 1B1.10 (c).

16. Pursuant to 18 U.S.C. § 3582(c)(2), “in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . upon motion of the defendant . . . the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable,”

17. Under the retroactive application of the amendment to the sentencing guidelines, Bradley Lott’s base offense level was reduced to a total offense level of 32.

18. An offense level of 32 and a criminal history category of I results in a now advisory guideline imprisonment range of 121 to 151 months.

19. Because Bradley Lott had been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission, he moves this Honorable Court to reduce the term of imprisonment

in accordance with 18 U.S.C. § 3582(c)(2).

20. If this Court follows the practice of the prior sentencing hearing and sentences to the lowest end of the range, Bradley Lott will receive a 121 month sentence.

21. If this Court imposes a 121 month sentence, Bradley Lott's sentence will be lowered by 30 months. In light of his projected release date referenced above, this will not result in a time served sentence.

22. Counsel estimates that the new projected release date will be in June of 2010.

23. Bradley Lott filed a pro se motion to reduce sentence on December 14, 2007.

24. Counsel notes that the government filed its response on March 4, 2008 and finds that Bradley Lott may be eligible for a reduction.

25. Counsel understands that an addendum to the presentence report has been

prepared.

WHEREFORE, it is respectfully requested that this Honorable Court grant
Bradley Lott's Pro Se Motion to Reduce Sentence Under 18 U.S.C. § 3582(c).

Respectfully submitted,

Date: March 17, 2008

s/ James V. Wade

JAMES V. WADE, ESQUIRE

Federal Public Defender

Attorney ID #PA33352

100 Chestnut Street, Suite 306

Harrisburg, PA 17101

Tel. No. (717) 782-2237

Fax No. (717) 782-3881

<*James_Wade@fd.org*>

Attorney for Bradley Lanord Lott

CERTIFICATE OF SERVICE

I, James V. Wade, Federal Public Defender for the Middle District of Pennsylvania, do hereby certify that I served a copy of the foregoing **PRO SE MOTION TO REDUCE SENTENCE UNDER 18 U.S.C. § 3582(c)(2)**, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

Martin C. Carlson, Esquire

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Christy H. Fawcett, Esquire

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Drew Thompson

[REDACTED]
[REDACTED]
[REDACTED]

Bradley Lanord Lott

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date: March 17, 2008

s/ James V. Wade

JAMES V. WADE, ESQUIRE

Federal Public Defender

Attorney ID #PA33352

100 Chestnut Street, Suite 306

Harrisburg, PA 17101

Tel. No. (717) 782-2237

Fax No. (717) 782-3881

<James_Wade@fd.org>

Attorney for Bradley Lanord Lott